

Art Unit 2653
Serial No. 10/080,849

PATENT
Attorney Docket No.: K35A1056

REMARKS

The present amendment is responsive to the final Office Action mailed June 3, 2005, and is being filed concurrently with a request for continued examination and payment of the associated fee.

The claims were rejected as being unpatentable over Jagt et al. US patent 5,898,543. The claims have been amended herein, and each of the amended claims is now clearly distinguishable from the Jagt reference. Reconsideration and withdrawal of the rejections is respectfully requested.

Independent claims 1, 6, and 11:

Each of claims 1, 6, and 11 had previously recited a hinge having a "first surface" that is "coupled to the actuator arm," and a "second surface facing away from the first surface." Now, each of these claims has been amended to additionally require "a load beam surface that faces and contacts [the] second surface of the hinge."

In contrast, the load beam of Jagt et al. does not disclose a load beam surface that faces and contacts a second surface of a hinge, where the second surface of the hinge faces away from a first surface of the hinge, the first surface being coupled to the actuator arm. Contrary to the requirements of claims 1, 6, and 11, Jagt's load beam is a one-piece integral load beam that includes a rigid actuator mounting portion 18, a spring region 20 and the load beam itself, shown at reference numeral 12. The rigid actuator mounting portion 18 is attached to the base plate 16. In Jagt et al., the same surface of the hinge (18 and 20) is coupled to the base plate 16 (and thereafter to the actuator arm) as is attached to the load beam 12. This is also shown in Jagt et al.'s Figs. 3, 4, 5 and 6. Therefore, the Jagt reference fails to suggest or disclose any load beam assembly that could meet the requirements of amended independent claims 1, 6, and 11, and

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therefore each of claims 1, 6, and 11 is patentable over the Jagt reference. The same is also an additional reason for the patentability of at least dependent claims 20, 39, 44, and 48.

Independent claim 15:

Amended independent claim 15 requires a "hinge including a first surface having":

a first convex portion defining a first radius of curvature, adjacent the first hinge end, and adjacent

a first concave portion of the first surface, defining a second radius of curvature, adjacent,

a second convex portion of the first surface, defining a third radius of curvature, adjacent

a second concave portion of the first surface, adjacent the second hinge end

None of the load beams shown or described in Jagt et al. have any hinge that includes a surface having the two convex portions and two concave portions required by amended claim 15.

Accordingly, the applicants respectfully submit that the Jagt reference fails to disclose or suggest at least these limitations of amended claim 15, and respectfully request that claim 15 be allowed.

The same is also an additional reason for the patentability of dependent claims 5 and 9.

Independent claims 23, 27, 32, 37, 42, 47, and 51:

As amended, independent claims 23, 27, and 32 each require an integral hinge portion having a surface defining at least two concave portions and at least two convex portions. Also, as amended, independent claims 37, 42, 47, and 51 each require a hinge having a surface defining at least two concave portions and at least two convex portions. In contrast, none of the load beams shown or described in Jagt et al. include a hinge having a surface that defines at least two concave portions and at least two convex portions. Accordingly, the applicants respectfully submit that the Jagt reference fails to disclose or suggest at least this limitation of amended

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claims 23, 27, 32, 37, 42, 47, and 51, and respectfully request that claims 23, 27, 32, 37, 42, 47, and 51 be allowed.

Dependent claims 10, 14, 18, 22, 26, 31, 36, 41, 46, 50, 54:

There is at least one additional reason for the patentability of dependent claims 10, 14, 18, 22, 26, 31, 36, 41, 46, 50, 54. Each of these dependent claims further recites that the third radius is greater than the second radius. The applicant respectfully traverses the examiner's assertion that Fig. 5 of the Jagt reference discloses or suggests such an inequality. On the contrary, nothing in the Jagt reference discloses or suggests that the third radius of curvature be greater than the second (c.g. Fig. 5 of Jagt simply doesn't show that). It would be improper hindsight to read such an inequality into the Jagt reference or into any of its figures based on knowledge of the present invention.

For at least the aforementioned reasons, all independent claims are now allowable. All dependent claims are now allowable based on dependence from an allowable independent claim, and/or based on additional reasons for patentability that include the specific exemplary reasons described above. If any unresolved issues remain, please feel free to contact the undersigned attorney at (949) 672-6119.

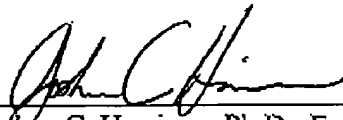
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The Commissioner is authorized to charge any fees which may be required to Deposit
Account 23-1209, referencing Docket No. K35A1056.

Respectfully submitted,

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